

DALE L. ALLEN, JR., # 145279
 DIRK D. LARSEN, # 246028
 LOW, BALL & LYNCH
 505 Montgomery Street, 7th Floor
 San Francisco, California 94111-2584
 Telephone (415) 981-6630
 Facsimile (415) 982-1634

Attorneys for Defendant
 CITY OF CLEARLAKE
 (erroneously named herein as CLEARLAKE POLICE DEPARTMENT)

IN THE UNITED STATES DISTRICT COURT FOR
 THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS
 PRO-SE,

 Plaintiffs,

 vs.

 CLEARLAKE POLICE DEPARTMENT,

 Defendants.

Case No. C 07-03365 EDL
 DECLARATION OF DALE L.
 ALLEN, JR., IN OPPOSITION TO
 PLAINTIFF'S MOTION TO
 COMPEL RESPONSES TO
 REQUEST FOR PRODUCTION
 AND FOR DISCOVERY TO
 BEGIN

Date: March 4, 2008
 Time: 9:00 a.m.
 Courtroom: E, 15th Floor

 Judge: Hon. Elizabeth D.
 LaPorte

I, DALE L. ALLEN, JR., declare as follows:

1. I have personal knowledge of the following facts, and could and would testify competently thereto if called upon to do so.
2. I am an attorney at law duly licensed to practice before all courts of the State of California and before the United States District Court for the Northern District of California, and am a shareholder with the law firm of Low, Ball & Lynch, attorneys of record herein for defendant CITY OF CLEARLAKE.
3. The present action is not subject to the exemptions of Federal Rules of Civil Procedure, Rule 26(a)(1)(B), and I am not aware of rules, stipulation or court order in this matter that would eliminate the

1 prerequisite of Rule 26(d)(1).

2 4. I spoke informally with plaintiffs David Davis and Page Gearhart-Davis regarding discovery in
3 the present matter on November 13, 2007 and November 29, 2007.

4 5. The informal discussions I had with plaintiffs regarding discovery in this matter did not, and
5 were not intended to, cover all the topics listed in Federal Rules of Civil Procedure, Rule 26(f), and they did not
6 result in the development of a discovery plan as defined by Rule 26(f)(2).

7 6. I am currently working with defendant City of Clearlake to compile and prepare the initial
8 disclosures defined by Federal Rules of Civil Procedure, Rule 26(a)(1), and expect to serve them on plaintiffs
9 before March 4, 2008.

10 I swear under penalty of perjury under the laws of the State of California that the foregoing is true and
11 correct.

12
13 Executed this 12th day of February, 2008, in San Francisco, California.

14
15 /s/ Dale L. Allen, Jr.
16 DALE L. ALLEN, JR.